



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,893	03/30/2004	Seon-kyu Park	1572.1276	1338

21171 7590 03/08/2007
STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
----------	--------------

2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/811,893

Applicant(s)

PARK ET AL.

Examiner

Walter F. Briney III

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-14 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 30 March 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-4, 6-9, 11-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US Patent Application Publication 2003/0174855 A1) in view of Kruszewski (US Patent 5,201,896).**

Claim 1 is limited to "a wall mounting speaker assembly having a speaker unit."

Hawkins discloses a speaker mounting system comprising "a speaker unit" 2 to be assembled with docking member 4 and mounting plate 6. Mounting plate 6 is disclosed as being "a stationary member mounted on a wall." See paragraph [0016], lines 9-10. Docking member 4 corresponds to "a supporter to support the speaker unit. See paragraph [0016], lines 4-9. The speaker unit 2 includes "a lock 12 provide on the bottom" side. See paragraph [0026], lines 1-8. The lock 12 cooperates with "a hook 32 provided on the supporter to be engaged with the lock, preventing the speaker unit from moving upward from the supporter." In addition, the assembly disclosed by Hawkins includes a "movable joint 42 provided between the stationary member 6 and the supporter 4." However, the joint 42 is not coupled to "a vertical swiveling shaft and a horizontal tilting shaft;" rather, the joint 42 is coupled to mounting plate 6 by a ball joint

Art Unit: 2615

44, while fixedly engaging to docking member 4. This deficiency can be overcome by an obvious modification.

Paragraph [0017] of Hawkins indicates that the ball and socket joint depicted in the figures can be replaced with other joints, such as a hinge joint. Ergo, one of ordinary skill in the art reading Hawkins' disclosure would be motivated to select between other joints, such as hinge joints, and pick a preferred kind. Kruszewski teaches an exemplary hinge joint, specifically a universal audio-speaker mounting bracket. The fixed member 14 includes a first connecting means 20 including a bore 36 that holds a pin 40, which corresponds to "a vertical swiveling shaft." Movable joint 30 extends from the fixed member and ends at a second connecting means 50. The second connecting means includes a pin 60 routed through a second bore 58 perpendicularly arranged with respect to the first bore 36. The second pin corresponds to the "horizontal tilting shaft." Since no motivation exists to modify the manner in which connector 42 connects to docking member 4, it must be concluded that the second connecting means 50 taught by Kruszewski would then be connected to docking member 4 in a manner analogous to how connector 42 was connected. Incorporation of Kruszewski's speaker mounting is advantageous because it allows two degrees of freedom versus the single degree allowed by the hinge joint described in paragraph [0017] of Hawkins.

It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the ball and socket joint of Hawkins with the hinged joint taught by

Art Unit: 2615

Kruszewski because Hawkins explicitly suggests the use of a hinged joint and because Kruszewski's method allows more freedom of motion than Hawkins' solution.

Claim 2 is limited to "the speaker assembly according to claim 1," as covered by Hawkins in view of Kruszewski. Only after sliding "speaker unit" 2 "frontward along the supporter 4" toward unit 6 can the "hook" 32 be made to cooperate with the "lock" 12; otherwise, they simply cannot mate. Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 3 is limited to "the speaker assembly according to claim 2," as covered by Hawkins in view of Kruszewski. Although depicted as a groove, element 30a can be a projection while element 8a is a groove. See paragraph [0024], lines 16-18. Hawkins discloses "a stopper" 30a at "supporter" 4. By operating with element 8a, speaker unit 2 is held in place, preventing the release of the speaker unit. See paragraph [0024]. Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 4 is limited to "the speaker assembly according to claim 3," as covered by Hawkins in view of Kruszewski. As shown in the rejection of claim 3, element 8a is "a stopper groove to accommodate the stopper 30a therein." Referring to figure 1 element 30a, it can be seen that a stopper groove takes the form of a concave channel. When this groove is formed in place of element 8a, it is "at a bottom of the speaker unit 2." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 6 is limited to "the speaker assembly according to claim 1," as covered by Hawkins in view of Kruszewski. Hawkins system requires speaker cable 74 to be routed through connector 42 to the docking member 4. This is accomplished by

Art Unit: 2615

providing a channel through connector 42. This channel acts as a cable clip for holding the speaker wire. As seen in the figures, connector 42 is provided in an area under the hook 32 and stopper 30a. In this way, said area corresponds to an area "under the supporter." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 7 is limited to "the speaker assembly according to claim 2," as covered by Hawkins in view of Kruszewski. Hawkins system requires speaker cable 74 to be routed through connector 42 to the docking member 4. This is accomplished by providing a channel through connector 42. This channel acts as a cable clip for holding the speaker wire. As seen in the figures, connector 42 is provided in an area under the hook 32 and stopper 30a. In this way, said area corresponds to an area "under the supporter." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 8 is limited to "the speaker assembly according to claim 3," as covered by Hawkins in view of Kruszewski. Hawkins system requires speaker cable 74 to be routed through connector 42 to the docking member 4. This is accomplished by providing a channel through connector 42. This channel acts as a cable clip for holding the speaker wire. As seen in the figures, connector 42 is provided in an area under the hook 32 and stopper 30a. In this way, said area corresponds to an area "under the supporter." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 9 is limited to "the speaker assembly according to claim 4," as covered by Hawkins in view of Kruszewski. Hawkins system requires speaker cable 74 to be routed through connector 42 to the docking member 4. This is accomplished by providing a channel through connector 42. This channel acts as a cable clip for holding the speaker wire. As seen in the figures, connector 42 is provided in an area under the hook 32 and stopper 30a. In this way, said area corresponds to an area "under the supporter." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 11 is limited to "a wall mounted speaker assembly." As shown in the rejections of claim 1, 3 and 4, "speaker" 2 of Hawkins has "locks" 12 and "a groove" 8a. It was also shown in the rejection of claim 1 that it would have been obvious to replace the ball and socket joint of Hawkins with a pivoting joint as taught by Kruszewski. With respect to Hawkins, element 6 corresponds to the claimed "stationary member;" element 4 corresponds to "a supporter having hooks 32 to cooperate with the locks 12 of the speaker 2;" and element 30a corresponds to "a stopper to cooperate with the groove 8a to prevent the speaker from being unintentionally released from the supporter when the locks 12 cooperate with the hooks 32." With respect to Kruszewski, element 20 corresponds to "a first bracket;" element 30 corresponds to "a joint member coupled to the stationary member 6 (Hawkins) via a first shaft 40;" and element 50 corresponds to "a second bracket coupled to the joint member 30 via a second shaft 60."

Claim 12 is limited to "the speaker assembly according to claim 11," as covered by Hawkins in view of Kruszewski. Figure 1 of Hawkins clearly depicts the locks 12

Art Unit: 2615

"protruding from a bottom surface of the speaker 2." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 13 is limited to "the speaker assembly according to claim 12," as covered by Hawkins in view of Kruszewski. Figure 1 of Hawkins clearly depicts that the "groove" 8a is also "located on the bottom surface of the speaker 2." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 14 is limited to "the speaker assembly according to claim 11," as covered by Hawkins in view of Kruszewski. The "first bracket 20" seen in figure 1 of Kruszewski comprises "a hole 36 through which the first shaft 40 is inserted." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 17 is limited to "the speaker assembly according to claim 11," as covered by Hawkins in view of Kruszewski. The "second bracket 50" seen in figure 1 of Kruszewski comprises "a hole 58 through which the second shaft 60 is inserted." Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 18 is limited to "the speaker assembly according to claim 11," as covered by Hawkins in view of Kruszewski. As seen in figure 1, the "first and second shafts extend through joint member holes 36 and 58 in first and second directions." See Kruszewski, column 5, lines 24-39. Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Claim 19 is limited to "the speaker assembly according to claim 18," as covered by Hawkins in view of Kruszewski. As seen in figure 1, the "the first 42 and second

directions 63 are perpendicular.” See Kruszewski, column 5, lines 24-39. Therefore, Hawkins in view of Kruszewski makes obvious all limitations of the claim.

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

2. Claims 5, 10, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 is limited to “the speaker assembly according to claim 3,” as covered by Hawkins in view of Kruszewski. Stopper 30a of Hawkins simply does not “protrude upward to penetrate a hole formed in the supporter.” Thus, claim 5 is allowable over the cited prior art.

Claim 10 is limited to “the speaker assembly according to claim 5,” and is allowable over the cited prior art for at least the same reasons.

Claim 15 is limited to “the speaker assembly according to claim 11,” as covered by Hawkins in view of Kruszewski. While element 30a of Hawkins corresponds to “a stopper,” the supporter 4 simply does not include “a hole through which the stopper penetrates.” Thus, claim 15 is allowable over the cited prior art.

Claim 16 is limited to “the speaker assembly according to claim 15,” and is allowable over the cited prior art for at least the same reasons.

3. Claims 20-22 are allowed.

Art Unit: 2615

Claim 20 is limited to "a method of assembling a wall mounted speaker assembly." The obvious combination of Hawkins and Kruszewski has been shown in the rejection of claim 1 to include "a stationary member" 6 (H); "a joint member" 30 (K); "a supporter 4 (H) having a flat surface from which hooks 32 (H), with hooking surfaces, extend;" "a speaker 2 (H) having locks 12 (H)...and a groove 8a (H) and a stopper 30a (H). However, the "hole" that to be penetrated by the stopper 30a during cooperation is not disclosed, taught or suggested by the prior art of record. As the claimed method requires cooperation between the stopper and the groove and said cooperation requires penetration of the claimed hole, assembly of the combined Hawkins-Kruszewski speaker system does not make obvious all limitations of the claim. Thus, claim 20 is allowable over the cited prior art.

Claims 21 and 22 are limited to "the method according to claim 20," and are allowable over the cited prior art for at least the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SINH TRAN
SUPERVISORY PATENT EXAMINER

wfb
3/3/07